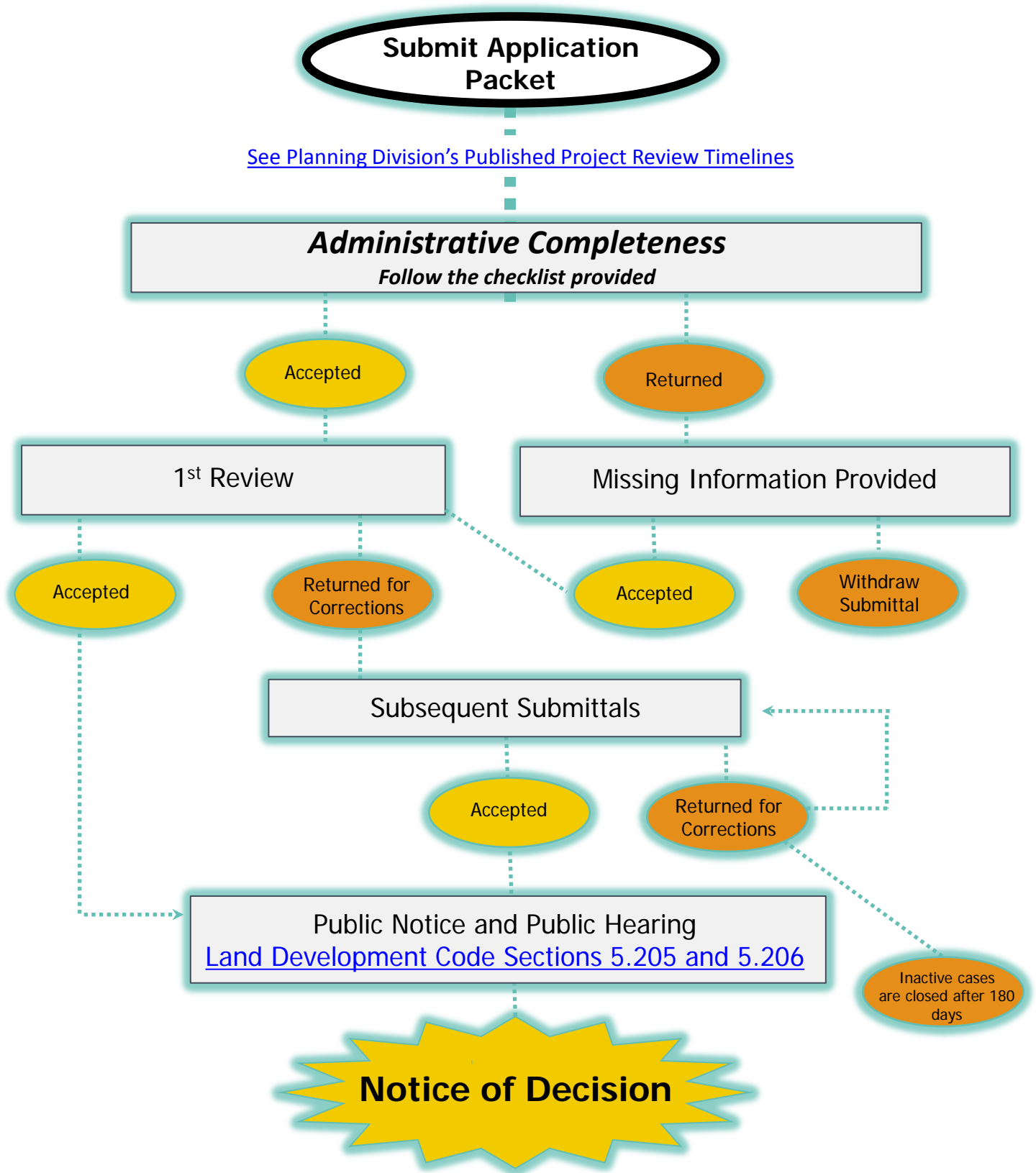


Variance



Variance

- Variances provide a mechanism for relief from the strict application of the Zoning Code where the strict applications will deprive the property owner of privileges enjoyed by similar properties;
- Variance may be granted with respect to dimensional and performance standards including but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls. No variance from the use regulation of the Zoning Code shall be granted.
- The Zoning Hearing Officer or Board of Adjustment may approve a variance only after the required four findings are satisfied. Four findings are:
 - A. There are special circumstances applicable to the property, including its size, shape, topography, location or surroundings whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
 - B. Such special circumstances were not created by the owner or applicant;
 - C. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
 - D. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.
- Prop 207 Waiver (Diminution in Value)
 - Title Report – If the title report is more than a month old, it will not be considered current.
 - Proof of signatures rights will be needed for LLC's or Corporation's
- Useful Links on Gilbert's Planning & Development webpage:
 - [Development Fee Schedule](#)
 - [Planning Division Project Review Timelines](#)
 - [General Plan Character Area Map](#)
 - [Zoning and Land Development Code](#)
 - [Zoning Map Noting Overlay Zoning Districts](#)
 - [Commercial Design Guidelines](#)
 - [Industrial/Employment Design Guidelines](#)
 - [Heritage District Design Guidelines](#)
 - [Gateway Streetscape Guidelines](#)
 - [Trail Design Guidelines](#)
 - [Street Theme District Tree Map](#)
 - [System Development Fees Area Map](#)
 - [Gateway Area Traditional Neighborhood Design Guidelines](#)
 - [Residential Design and Development Guidelines](#)
 - [Engineering Standards](#)

Variance

Submittal Formatting, Required Materials and Checklist:

- ☐ Over the Counter Submittal:
 - ☐ **Submit electronic copy** of ALL required items on checklist. **(No 24" x 36")**
 - ☐ Submit a hard copy (8.5" x 11 or 11" x 17" only) of the entire packet with the electronic copy and payment. **(No 24" x 36")**
 - ☐ **Purge** images of unnecessary blocks and layers (single layer).
 - ☐ **Save each exhibit as a separate PDF per document naming below.**

Document Naming:

- ☐ Exhibit 1: Application
- ☐ Exhibit 2: Project Narrative
- ☐ Exhibit 3: Proposition 207 (Diminution in Value) Waiver Form with Exhibits
- ☐ Exhibit 4: Site Plan (Residential or Commercial/Multi-Family)
- ☐ Exhibit 5: Colored Elevations (if applicable)
- ☐ Exhibit 6: Neighborhood Notice
- ☐ Exhibit 7: Other Exhibits (if applicable)
- ☐ Exhibit 8: Letter from Architectural Review Committee / Property Owner's Association / Home Owner's Association (if applicable)

Checklist

- ☐ **Exhibit 1: Application**
 - ☐ Must be fully completed and signed.
- ☐ **Exhibit 2: Project Narrative**
 - ☐ Project Narrative should be typed in a 12pt font and no more than 5 pages in length;
 - ☐ Describe the proposed variance;
 - ☐ Provide a detailed response to the four required findings.
- ☐ **Exhibit 3: Proposition 207 Waiver with Exhibits**
 - ☐ Notarized [Proposition 207 Waiver](#) (Diminution in Value) with required exhibits
 - ☐ Exhibit A – Title Report (current)
 - ☐ Exhibit B – Legal Description & Map of Site
 - ☐ Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions.
- ☐ **Exhibit 4: Site Plan (Residential or Commercial/Multi-Family)**
 - ☐ Vicinity Map with the site and major streets noted;
 - ☐ Graphic scale, north arrow, exhibit date;
 - ☐ Dimension property lines, easements, alleys, private streets, adjacent rights-of-way, existing and future improvements, access points, signals, etc.;
 - ☐ Project data table: existing zoning on site, gross and net acreage, parking,
 - ☐ Location and size of any existing/proposed building(s) or structure(s);
 - ☐ Dimension location of required and proposed building setbacks and spaces between buildings;
 - ☐ Adjacent lot lines and/or structures within 50 feet.

☐ **Exhibit 5: Colored Elevations (if applicable)**

- ☐ Graphic scale and date;
- ☐ All existing and proposed elevations of each building identified by geographic direction; Dimensioned and keyed to the Colors Material Table;
- ☐ Color and Materials Table with name, manufacturer product identification;
- ☐ Elevations of accessory structures;
- ☐ Location, type and mounted height of proposed wall mounted lighting fixtures.

☐ **Exhibit 6: Neighborhood Notice**

- ☐ Please refer to Section 5.602.A.3 of the Land Development Code for requirements;
- ☐ A parcel map highlighting properties within 300 feet, Homeowners Associations and neighborhoods within 1000 feet of the property and the typed names and address of all property owners identified on parcel map (<http://mcassessor.maricopa.gov/>).

☐ **Exhibit 7: Other Exhibits (if applicable)**

- ☐ Other optional information (i.e., letters from adjoining property owners, photos, sketches)

☐ **Exhibit 8: Approval by Property Owner's Association / Home Owner's Association (if applicable)**

- ☐ Letter from Architectural Review Committee or Property Owner's Association or HOA stating their approval of this project.



Plan Type: Variance

Description (Proposal Name):: _____

Address or Location: _____

Subdivision Name: _____ Lot number: _____
(Residential request)

Request (work class): ☐ Single Family ☐ Non-Residential
☐ Multi-Family

Request Summary (briefly describe proposal here and attach a detailed narrative):

Land Development Code Section: _____

APN/Tax Parcel Number(s): _____

Gross/Net Acres: _____ Zoning: _____

Property Owner: (All information must be provided)

Name (print): _____ E-mail: _____

Address: _____

City, Zip: _____

Phone: _____ ☐ Business ☐ Mobile ☐ Home ☐ Other

Signature*: _____ Date: _____

*If signature is not provided above, a letter of authorization from the property owner is required.

Applicant/Contact: (All information must be provided)

Company: _____

Contact: _____ E-mail: _____

Address: _____

City, Zip: _____

Phone: _____ ☐ Business ☐ Mobile ☐ Home ☐ Other

Signature: _____ Date: _____

Administrative Completeness Review

Staff will review the application to ensure all required documents and information has been included. If required information is missing, applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be conducted. Staff may also determine if the request does not fall under the purview of this application type.

A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Staff Use Only:
Permit Number: _____